IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL NO.6 OF 2005

...

M/s.Shashwat Group Builders
and Developers, also known as
M/s.Shashwat Real Estates Pvt.
Ltd. ...Appellant

v/s.

M/s.Chheda Land Developers
Pvt.Ltd. & Ors. ...Respondents

...

Mr.K.S.Dewal for the Appellant.

Mr.J.B.Lentin with Mr.A.S.Dubey and Mr.R.K.Singh for Respondent No.1.

Mr.Y.M.Nakhawa, AGP for Respondent No.5.

CORAM: D.K.DESHMUKH, J.

DATED: 20TH APRIL,2005

P.C.:

1. Heard finally by consent of the parties.

2. The order under Section 9 of the Arbitration & Conciliation Act has been made by the Civil Judge, Senior Division, Thane. This court has already taken a view in the case of **Cotton Corporation of India Ltd. v/s. Sharad Shetkari Soot Girni Niyamit, 2000 (3) Mh.L.J., 96** that the court of Civil Judge, Senior Division is not the court within the meaning of Arbitration & Conciliation Act, and therefore, obviously the Civil Judge, Senior Division would not have jurisdiction to make any order under Section 9 of the Arbitration & Conciliation Act. It appears from record that though this objection was specifically raised, the learned Civil Judge has chosen not to decide that objection. The order impugned in the Appeal is, therefore, set aside. Appeal disposed of.

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